



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0410

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The Honorable Tim Miley
Speaker of the House
Room 228M, Building 1
1900 Kanawha Blvd., E.
Charleston, West Virginia 25305

Re: Legislative audit request and proposed bipartisan reforms

Dear Mr. Speaker:

I am writing you today in an effort to begin what I believe will be a fruitful dialogue and working relationship between the House of Delegates and the Office of the Attorney General on the vital issue of state government transparency and accountability.

As you know, I have long advocated greater transparency and accountability in state government. You, too, have indicated that you seek to improve government accountability, particularly in light of the recently uncovered problems from within the Department of Agriculture. In view of our shared enthusiasm, I call on you to work with me to reform the auditing process in this State. Before I took office, I requested an audit to review the practices of the Office of Attorney General. Much like the Department of Agriculture, many parts of the Office of Attorney General had not experienced an audit in at least twenty years. That is completely unacceptable. As for my office, we learned a great deal about highly irregular and very problematic practices after the first audit was released in June, and, undoubtedly, we will learn more after a second review is completed later this year.

Not only do I support the regular auditing of our processes, I call on you to join me in pushing the same for *all* major state agencies, constitutional offices, and the Legislature itself. Nothing less than public confidence in government is at stake. Therefore, I present several major proposals for your timely consideration.

- 1) **First**, every major state agency, each constitutional office, and the Legislature should be audited beginning as soon as possible, with the first of these audits being completed by September.
- 2) **Second**, we should press for an overhaul of the entire state government auditing process. Presently, the Office of the Legislative Auditor is not required by statute to conduct even periodic audits of state agencies, constitutional offices, or the Legislature. Moreover, the legislative auditor lacks the resources necessary to perform them. This should not be tolerated. I propose that West Virginia Code § 4-2-1, *et seq.*, be amended to require the legislative auditor to comprehensively audit every major state agency, each constitutional office, and the Legislature

on a specified, rolling basis. To accomplish this, the legislative auditor must be equipped with the necessary resources. If a state agency is subject to an audit every two or three years, we would not likely see the type of financial mismanagement that arose in the Department of Agriculture audit.

- 3) **Third**, as the constitutionally established chief legal officer of the State, I am willing to commit the experience of the Office to the goal of reducing waste, fraud, and abuse in government wherever it may be found.

In fact, the State Code already anticipates that the Office of Attorney General will take an active role in responding to legislative audits. West Virginia Code § 4-2-4(c) specifically *requires* the legislative auditor to file a certified copy of every audit "with the attorney general *for any action he or she may consider necessary*." This action may include analyzing audit results for potential violations of the law, requesting additional audits be performed, facilitating the initiation of proceedings where necessary, and proposing best practices to correct problems identified by the audits, among many others. It is only through intra-branch cooperation that we can finally put a stop to the pervasive waste, fraud, and abuse in our government.

Reducing fraud and abuse in government is clearly a bipartisan issue, and I expect this newly-energized effort should be no different. Fortunately, Aaron Allred, the Legislative Auditor, is highly regarded and well-respected across both sides of the political spectrum. I am happy to work with him and anyone to advance ethics reform and accountability in our State. Indeed, I feel so passionately about this issue that I will continue to call for these audits and additional transparency measures until the Legislature agrees to address them. I look forward to hearing from you soon on these proposals and welcome your feedback.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Patrick Morrissey
Attorney General